

Message Text

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ORIGIN EB-08

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;STICE - ESEIDEN
EUR/WE - MR. LISSFELT
EUR/RPE - MR. HOMME
L/EB - MR. BENSON

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FM SECSTATE WASHDC
TO AMEMBASSY PARIS
INFO AMEMBASSY LONDON

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PARIS ALSO FOR USOECD

E.O. 11652: N/A

TAGS: EWWT, FR

SUBJECT: MARITIME AFFAIRS: CONSULTATIVE PROCEDURE

1. AT US-CSG SHIPPING TALKS HELD IN WASHINGTON MAY 30 -
JUNE 1, FRENCH DELEGATION LED BY JOSSELIN DE ROHAN,
ASSISTANT ADMINISTRATOR FOR MERCHANT FLEET AND SHIP BUILD-
ING, EXPRESSED STRONG INTEREST IN ESTABLISHING PERMANENT
CONSULTATIVE PROCEDURES TO BE APPLIED WHERE ONE NATION
(NAMELY, THE US) WISHES TO APPLY ITS REGULATORY LAWS
AGAINST SHIPPING COMPANIES OF ANOTHER NATION. PURPOSE
OF CONSULTATIVE PROCEDURES WOULD BE TO ALLOW THE TWO
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AFFECTED GOVERNMENTS TO EXCHANGE VIEWS ON RELEVANT
NATIONAL INTERESTS AND SEE IF SOME ACCOMMODATION ON
JURISDICTIONAL CONFLICT COULD BE REACHED. PENDING CON-
CLUSION OF CONSULTATIONS, EACH NATION WOULD BE OBLIGATED
TO SUSPEND ITS RELEVANT JUDICIAL PROCEDURES. FRENCH
DELEGATION TABLED OUTLINE PROPOSAL (SEPTTEL) FOR SUCH A
PROCEDURE,

2. USDEL EXPRESSED INTEREST IN CONTINUING DIALOGUE ABOUT CONSULTATIVE PROCEDURES GENERALLY BUT OBSERVED THAT FRENCH PROPOSAL IN ITS PRESENT FORM CONFLICTED TO SOME DEGREE WITH US LAWS AND ENFORCEMENT POLICIES. SPECIFICALLY,

FRENCH PROPOSAL, PARTICULARLY AS EXPLAINED BY DE ROHAN, COULD CONSIDERABLY SLOW ENFORCEMENT ACTIONS AND MIGHT REQUIRE DISCLOSURE OF GRAND JURY EVIDENCE PROTECTED UNDER US LAW. ADDITIONALLY, US NOTED THAT 1967 OECD COUNCIL RECOMMENDATION PROVIDED EXISTING CONSULTATIVE PROCEDURES RELEVANT TO US GRAND JURY INVESTIGATION OF SHIPPING, AND THAT IN ACCORDANCE WITH THAT RECOMMENDATION, US HAD PROVIDED NOTIFICATIONS AND CONSULTED ON SEVERAL OCCASIONS WITH REPRESENTATIVES OF FRENCH AND OTHER INTERESTED GOVERNMENTS. FURTHER, US WOULD BE TABLING DURING WEEK OF JUNE 5 A DETAILED PROPOSAL AT PARIS MEETING OF OECD COMMITTEE ON RESTRICTIVE BUSINESS PRACTICES. DEP ASST SEC ATWOOD, CHAIRMAN OF USDEL AT CSG TALKS, SUGGESTED TO DE ROHAN THAT MEMBER OF USDEL TRAVELING TO PARIS FOR OECD TALKS WOULD ATTEMPT TO MEET WITH DE ROHAN IN PARIS DURING WEEK OF JUNE 5 TO REVIEW US OECD PROPOSAL. DE ROHAN AGREED THIS WOULD BE USEFUL.

3. EMBASSY REQUESTED TO CONTACT DE ROHAN AND REPORT THAT STUART BENSON, DEPUTY ASSISTANT LEGAL ADVISER FOR UNCLASSIFIED

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ECONOMIC AND BUSINESS AFFAIRS, HAD TRIED TO CONTACT HIM IN PARIS DURING WEEK OF JUNE 5 BUT WAS UNSUCCESSFUL. COPY OF US PROPOSAL ON CONSULTATIVE PROCEDURES PRESENTED TO OECD COMMITTEE WAS LEFT WITH FRENCH REPRESENTATIVE TO BE PASSED TO DE ROHAN. EMBASSY SHOULD INQUIRE WHETHER DE ROHAN RECEIVED COPY. DISCUSSION OF US PROPOSAL AT OECD WAS INCONCLUSIVE, AND COUNTRIES WERE UNDERTAKING FURTHER REVIEW.

4. EMBASSY SHOULD ASSURE DE ROHAN THAT US SHARES FRENCH INTEREST IN DEVELOPING FOR LONG TERM A COMPREHENSIVE CONSULTATIVE PROCEDURE. IN MEANTIME, IF GOF IS INTERESTED DEPARTMENT, ALONG WITH DEPARTMENT OF JUSTICE, WOULD BE PLEASED, WITHIN ADMITTEDLY IMPORTANT LIMITATIONS OF US LAW, TO DISCUSS WITH FRENCH GOVERNMENT THE GRAND JURY INVESTIGATION AND EXPLORE AREAS OF FRENCH CONCERN. DEPARTMENT AND JUSTICE HAVE HELD NUMBER OF BILATERAL CONSULTATIONS OF THIS SORT WITH OTHER EUROPEAN SHIPPING NATIONS. DE ROHAN SHOULD ALSO BE ADVISED THAT, AS RESULT OF POINTS HE RAISED AT US-CSG TALKS, DEPARTMENT HAS STATED TO FRENCH EMBASSY IN WASHINGTON ITS PREPAREDNESS FOR SUCH CONSULTATIONS. NEWSOM

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